

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	CHAPTER 11
	:	
400 WALNUT ASSOCIATES, L.P.	:	
DEBTOR(S)	:	BANKRUPTCY No. 10-16094 SR
<hr/>		
400 WALNUT ASSOCIATES, L.P.	:	
	:	
PLAINTIFF(S)	:	
VS.	:	
4 <sup>TH</sup> WALNUT ASSOCIATES, L.P.,	:	
IVY REALTY LII, LLC, AND	:	
IVY REALTY SERVICES, LLC	:	
DEFENDANT(S)	:	Adv. No. 10-0456

---

**ORDER**

**And Now**, upon consideration of the Motion of Defendants to Dismiss Counts I through VII of the Debtor's Complaint, the Debtor's Opposition thereto, the parties having filed briefs, the Court having conducted oral argument, and for the reasons set forth in the attached Opinion, it is hereby:

**ORDERED**, that the Motion is granted as to Counts I through VI. Those counts are dismissed for failure to state a claim upon which relief may be granted; and it is

**FURTHER ORDERED** that the Motion is denied as to Count VII, with the exception of the demand for attorney's fees, which is dismissed.

By the Court:



Dated: March 31, 2011

---

Stephen Raslavich  
Chief U.S. Bankruptcy Judge

George Conway, Esquire  
Office of the United States Trustee  
833 Chestnut Street  
Suite 500  
Philadelphia PA 19106

Counsel for Debtor

Aris J. Karalis, Esquire  
Robert W. Seitzer, Esquire  
Frank S. Marinas, Esquire  
MASCHMEYER KARALIS, P.C.  
1900 Spruce Street  
Philadelphia, PA 19103

Counsel for Movants/Defendants

Francis M. Correll, Jr., Esquire  
Domenic E. Pacitti, Esquire  
Margaret M. Manning, Esquire  
Shahan G. Teberian, Esquire  
KLEHR HARRISON HARVEY  
BRANZBURG LLP  
1835 Market Street, Suite 1400  
Philadelphia, PA 19103